

6 JANUARY 1947

I N D E X

Of

WITNESSES

Prosecution's Witnesses

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TANAKA, Ryukichi (resumed)

14308

Cross by Mr. Logan

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" " Mr. Blewett

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" " Mr. Brooks

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" " Mr. KUSANO

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" " Mr. Howard

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Of

EXHIBITS

(none)

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(none)

Monday, 6 January, 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, same as before with the
exception of: HONORABLE JUSTICE D. JARANILLA, Member
from the Republic of the Philippines and HONORABLE
JUSTICE JU-AO MEI, Member from the Republic of China,
not sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

The Accused:

All present except OKAWA, Shumei, who is
represented by his counsel.

The Indictment is discharged regarding the
Accused NAGANO, Osami, and his name stricken from
the Indictment and the List of Accused due to his
death on 5 January, 1947 at 11:50 a.m.

- - -

1 (English to Japanese and Japanese
2 to English interpretation was made by the
3 Language Section, IMTFF.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Brannon.

4 MR. BRANNON: If the Tribunal please, I am
5 John G. Brannon, American Counsel for the Accused,
6 former Admiral Osami NAGANO. NAGANO died January 5,
7 1947, at 11:50 a.m. We ask at this time that the
8 ordinary requirements concerning the introduction
9 of documents be dispensed with and that we be per-
10 mitted to offer in evidence as one exhibit the certi-
11 ficate of illness, the identification of the remains,
12 and a certificate of the death and the cause thereof.

13 THE PRESIDENT: The documents will be
14 received, recorded, and filed, but we ask you to
15 read them, Mr. Brannon.

16 (Whereupon, the documents above
17 referred to were collectively marked
18 defense exhibit No. 1959 and received in
19 evidence.)

20 MR. BRANNON: (Reading): "Certificate of
21 Illness. This is to certify that Osami NAGANO is
22 ill and under medical treatment at Sugamo Prison.
23 He is unable to attend the trial on the above date."
24 Signed "William A. Leovy, Captain, Medical Corps,
25 Prison Surgeon, Sugamo." Dated "3 January, 1946."

1 Apparently a typographical error, it
2 reads "1946". It should be 1947.

3 "Headquarters, Sugamo Prison, 5 January 1947.
4 I certify that on this date I have identified the
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1 remains of NAGANO, Osami, Japanese War Crimes suspect
2 at the 361st Station Hospital Morgue." Signed "Ben-
3 jamin G. Oberlin, Captain, Officer of the Day."

4 "361st Station Hospital," date "5 January
5 1947. Certificate. I, the undersigned, do hereby
6 certify that NAGANO, Osami, Japanese prisoner of
7 war, International Military Tribunal for the Far
8 East, died at 361st Station Hospital, 5 January 1947,
9 11:50 a.m., as a result of:

10 "1. Bronchial Pneumonia.

11 "2. Arteriosclerotic Heart Disease.

12 "3. Tuberculosis, Pulmonary."

13 Signed, "Floyd E. Bliven, First Lieutenant,
14 Medical Corps."

15 THE PRESIDENT: The accused NAGANO's death
16 was reported to me yesterday morning, when I directed
17 a complete autopsy. I take it the certificate last
18 read states the result of that autopsy, but it does
19 not say so. We accept those papers as proof of
20 the death of NAGANO. The Indictment is discharged
21 as regards the accused NAGANO; his name is stricken
22 from the Indictment and from the list of accused.

23 I take it you want the remains handed over
24 to the relatives?
25

MR. BRANNON: Yes, Mr. President.

TANAKA

CROSS

1 THE PRESIDENT: We direct accordingly
2 subject to the requirements and approval of the
3 Supreme Commander.

4 Colonel Woolworth.

5 MR. WOOLWORTH: The witness TANAKA was
6 requested to be here for cross-examination at this
7 date. He is on the stand.

8 THE PRESIDENT: Mr. Logan.

9 MR. LOGAN: If the Tribunal please.

10 R Y U K I C H I T A N A K A, recalled as a witness
11 on behalf of the prosecution, resumed the stand
12 and testified further through Japanese inter-
13 preter as follows:

14 CROSS-EXAMINATION

15 BY MR. LOGAN:

16 Q General, how long did you stay in the
17 War Ministry?

18 A From December, 1938 to March, 1940, Chief
19 of the Military Service Section of the Military
20 Service Bureau, War Ministry, and from December, 1940
21 to September, 1942, Director of the Military Service
22 Bureau of the War Ministry.

23 Q But, as a matter of fact, you were not in
24 the Office of the Military Service Bureau for some
25 time prior to December, 1942, is that correct?

TANAKA

CROSS

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20 Service Bureau, War Ministry, and from December, 1940
21 to September, 1942, Director of the Military Service
22 Bureau of the War Ministry.

23 Q But, as a matter of fact, you were not in
24 the Office of the Military Service Bureau for some
25 time prior to December, 1942, is that correct?

TANAKA

CROSS

1 THE MONITOR: The Witness is saying that
2 he is hearing Russian in his earphones.

3 A Yes.
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TANAKA

GROSS

1 Q When did you leave office before going .
2 to the hospital?

3 A September 21, 1942.

4 Q That was the date you went to the hospital,
5 but did you leave your bureau and stay at home
6 sometime prior to September 21, 1942?

7 A No.

8 Q Then, I take it, General, from September
9 21, 1942, on to the end of the war you were not
10 familiar with the organization and responsibilities
11 of the various bureaus of the War Ministry, is that
12 true?

13 A Yes.

14 Q Then, your statement you made the other
15 day that you were familiar with those bureaus and
16 the organization between 1940 and 1945 is not
17 correct?

18 A Since many of my subordinates--a number of
19 my subordinates, including section chiefs, visited
20 me after my resignation from the military service
21 bureau and told me about the various reorganization
22 moves within the ministry, I was in general familiar
23 with the organization of that office, although not
24 in such great detail as when I was director of the
25 bureau.

TANAKA

CROSS

1 Q Not only in great detail, but you had no
2 personal knowledge of it, isn't that so?

3 A Yes, as you say.

4 Q General, the other day you stated that the
5 Military Affairs Bureau handled matters concerning
6 international regulations affecting the army. Do
7 you know of any document that sets that forth?

8 A This is not set forth in the regulations
9 governing the organization of the War Ministry,
10 but it is a fact that this matter was taken up by
11 the--that these matters were dealt by the military
12 affairs section of the Military Affairs Bureau.

13 Q General, I am not asking you whether or
14 not these affairs were dealt by this particular
15 bureau; I am asking you if you know of any document.
16 Will you please confine your answers to the question?

17 A I recall that that is set forth among the
18 functions of the military affairs section.

19 Q In what document?

20 A In the articles of the regulations pertain-
21 ing to the organization of the War Ministry.

22 Q You also stated, General, that the busi-
23 ness of the location and the construction of prisoner-
24 of-war camps was handled by the military section
25 of the Military Affairs Bureau. Do you know of any

TANAKA

CROSS

1 document that sets that forth?

2 A With respect to the Military Affairs
3 Bureau of the War Ministry, there are certain
4 functions dealing with national defense. I
5 believe that this matter is included in these
6 items. The military section of the Military
7 Affairs Bureau of the War Ministry handled the
8 army--matters pertaining to the army budget,
9 and therefore this section basically had to give
10 its agreement as to the use of the budget in decid-
11 ing upon the number and location of prisoner-of-war
12 camps.

13 MR. LOGAN: Mr. President, may I have a
14 direction to this witness to confine himself to the
15 question as put to him. All I asked him is if he
16 knew of any document. I am not asking him for an
17 explanation of this office.

18 THE PRESIDENT: Listen carefully to the
19 questions, Witness, and be satisfied to answer the
20 question without more.

21 Q Did you as the head of the Military
22 Service Bureau receive documents and papers relating
23 to prisoners of war?

24 A Yes.

25 Q From whom did you receive them?

A It was circulated by the Military Affairs
Bureau.

TANAKA

CROSS

1 Q Isn't it a fact that on each and every one
2 of these documents which you received was an address
3 to the Prisoner of War Information Bureau and that
4 you merely received a copy of it?

5 A That is a fact.

6 Q You also state there that documents and
7 other papers relating to prisoners of war were sent
8 by the Ministry of Foreign Affairs to the War Office,
9 to the Home Office, and to the Navy Minister?

10 A Yes.

11 Q Are you describing there the general course
12 of procedure or are you making that as a statement
13 of fact that all those documents actually were sent
14 to those representative offices?

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1 Q Are you describing there the general course
2 of procedure or are you making that as a statement
3 of fact, that all those documents actually were sent
4 to those respective offices?

5 A The addressees were all indicated on the
6 papers sent out.

7 MR. LOGAN: I move to strike that answer,
8 your Honor. It isn't responsive; he is trying to
9 get in an answer to the previous question.

10 THE PRESIDENT: I will put it to him. Do
11 you know they were sent or do you merely surmise they
12 were?

13 MR. LOGAN: May I have a ruling on my motion,
14 your Honor? That answer he gave is an attempt to
15 answer the previous question which he had already
16 answered.

17 MR. JUSTICE MANSFIELD: I submit, if the
18 Tribunal please, that the answer was a proper answer
19 to the question and I ask that the witness be permitted
20 to answer the question put by the Bench.

21 THE PRESIDENT: My colleagues and I agree
22 with you, Mr. Justice Mansfield. The witness may
23 answer as he proposed.

24 THE WITNESS: I know as a fact that these
25 documents were sent out and that all the names of the

TANAKA

CROSS

addressees were listed on each document, for example,
the Home Office, the Navy Office, the War Office.

Q Was not the original of those documents
addressed to the Prisoner of War Information Bureau
by the Foreign Office?

A Yes, but some of them were sent in the form
of a copy and some were sent to various competent
offices handling related matters, circulated to
various departments handling such matters.

Q But each of those documents was primarily
addressed to the Prisoner of War Information Bureau,
isn't that so, General?

A Yes, but I recall that such documents were
first received by the secretariat of the War Office
and then from there transmitted to the Military Affairs
Bureau which handles policy matters, and from there
sent to the Prisoner of War Information Bureau. That
is my recollection.

Q General, isn't it a fact that all these
documents or some of them were sent direct from the
Foreign Office and addressed to the Prisoner of War
Information Bureau before they were sent anywhere else?
Can you answer that question yes or no?

A No.

THE PRESIDENT: Well, I don't know what that
means, whether he can't answer the question or

TANAKA

CROSS

1 whether the answer to you is "no."

2 MR. LOGAN: That is just what I was going to
3 ask, your Honor.

4 THE WITNESS: There would be no case of
5 those documents going directly inasmuch as they are
6 channeled through the secretariat of the Minister of
7 War.

8 Q General, I am not asking you for any reason-
9 ing on your part; I am asking you do you know as a
10 fact that these documents, or some of them, were sent
11 direct from the Foreign Office to the Prisoner of
12 War Information Bureau and addressed to that bureau?
13 Now answer that yes or no.

14 MR. JUSTICE MANSFIELD: The question con-
15 tains two queries. I ask that they be put separately
16 if the witness is required to answer yes or no.

17 THE PRESIDENT: The objection is upheld.
18 Two questions are required.

19 Q I will ask you this; I want a yes or no
20 answer: Isn't it a fact that these documents were
21 sent direct from the Foreign Office to the Prisoner
22 of War Information Bureau?

23 MR. WOOLWORTH: Before the witness is re-
24 quired to answer that question, I would ask that the
25 description be given of these documents as phrased

TANAKA

CROSS

1 in the question.

2 THE PRESIDENT: I think he understands. The
3 witness may answer.

4 Q You understand the documents we are talking
5 about, don't you, General?

6 A Yes.

7 Q Now answer that question. I want a yes or
8 no answer, please, General.

9 A No.

10 THE PRESIDENT: This is becoming utterly
11 disorderly.

12 Q Did you spend much time in the Foreign
13 Office?

14 THE PRESIDENT: Do you want his answer?

15 MR. LOGAN: Yes.

16 THE PRESIDENT: To the previous question?

17 MR. LOGAN: I believe he said "No." Maybe
18 I misunderstood it.

19 THE INTERPRETER: Mr. President, the witness
20 answered "No."

21 THE PRESIDENT: Thank you.

22 MR. LOGAN: He said "no."

23 THE PRESIDENT: The light was disregarded
24 and I didn't hear what he said.

25 Q Now will you answer, did you spend much

TANAKA

CROSS

time in the Foreign Office?

1

A No.

2

Q Then you don't know of your own knowledge what they were doing in the Foreign Office, isn't that so?

3

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A I don't know anything about the Foreign Office.

6

7

Q Why did you tell us the other day that all these documents and other papers relating to prisoners of war were sent from the Foreign Office to other ministries if you didn't know what the Foreign Office was doing?

8

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A I know because I have seen documents transmitted from the Foreign Office.

13

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Q Did you spend much time in the Home Office?

16

A No.

17

Q Did you spend any time at all in the Navy Ministry?

18

19

A No, not at all.

20

Q As a matter of fact, you were quite busy trying to handle your own affairs and you confined yourself to your own office, isn't that so?

21

22

23

A Yes.

24

Q It is also a matter of fact, isn't it, General, that from March or April on you were quite

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TANAKA

CROSS

1 sick and unable to take care of the affairs in your
2 own office, isn't that so?

3 A Yes, I was ill but looked after my work
4 most ardently.

5 Q As best you could under the conditions,
6 isn't that so?

7 A Yes.

8 Q And you were mentally sick at that time,
9 isn't that true?

10 A No, no mental disease.

11 Q You went to the hospital for a mental trouble,
12 didn't you?

13 A That is after I quit.

14 Q In September?

15 A In October.

16 Q But you went to the hospital in September.

17 A October 17.

18 Q Now let us get back to these documents
19 relating to prisoners of war. The copy you received
20 had actually typed on it the words "Prisoner of War
21 Information Bureau," isn't that true?

22 A The documents come from the Prisoner of War
23 Information Bureau and the communication from the
24 Foreign Office is attached thereto as reference.

25 Q You say you received the document from the

TANAKA

CROSS

1 Prisoner of War Information Bureau?

2 A As I say, circulated by the Prisoner of
3 War Information Bureau.

4 Q So that the Prisoner of War Information
5 Bureau must have received the document first from
6 the Foreign Ministry, isn't that true?

7 A The secretariat of the War Minister had all
8 full powers with respect to incoming documents in
9 the War Office, and, therefore, if any documents
10 should be addressed by any outside department such
11 as the Foreign Office to the Prisoner of War Informa-
12 tion Bureau it would be in violation of regulations.
13 Therefore, all other documents were all channeled
14 through the secretariat of the War Ministry. At that
15 time the emphasis with respect to the question of
16 treatment of Prisoners of War was not so much on the
17 work of the Prisoner of War Information Bureau or
18 with respect to the question of carrying out inter-
19 national treaties pertaining thereto, but it had then
20 become a question of policy. It was more a question
21 of policy rather than the actual business of carrying
22 out the international treaty requirements.

23 Q General, I would appreciate it if you would
24 not digress. I am not asking you the duties of the
25 Prisoner of War Information Bureau. I am trying to

TANAKA

CROSS

1 Prisoner of War Information Bureau?

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21 of policy rather than the actual business of carrying
22 out the international treaty requirements.

23 Q General, I would appreciate it if you would
24 not digress. I am not asking you the duties of the
25 Prisoner of War Information Bureau. I am trying to

TANAKA

CROSS

1 trace these documents. Do you understand?

2 Now, General, let me ask you this question:
3 You don't know of your own knowledge whether all the
4 documents which the Foreign Affairs -- Ministry of
5 Foreign Affairs received were sent to any other office
6 with respect to prisoners of war, isn't that true?

7 A I know according to the addressees of the
8 documents.

9 Q Perhaps you don't understand me, General.

10 THE PRESIDENT: Well, I don't think you need
11 follow it up. He wouldn't know what the Foreign
12 Office did with all the documents it received. He
13 couldn't know. If he said that he did know we wouldn't
14 believe him.

15 Q Do you know of your own knowledge, General,
16 whether a small or a large percentage of the documents
17 and papers relating to prisoners of war which were
18 received by the Ministry of Foreign Affairs were
19 sent to any of these other offices?

20 THE PRESIDENT: How could he know that
21 unless he was in the Foreign Office?

22 MR. LOGAN: I will leave that to him to
23 say, your Honor. He made the statement here that
24 documents and other papers were so sent. I am trying
25 to find out how he knows that. And your Honor will

TANAKA

CROSS

1 recall I asked him originally if that was just a
2 general statement on his part or whether he made it
3 of his own knowledge, and he hasn't answered that
4 question.

5 MR. JUSTICE MANSFIELD: I submit, if the
6 Tribunal please, that the witness has already answered
7 that question at least twice by saying that he knew
8 from the names of the addressees on these letters
9 and also by the regulations.

10 THE PRESIDENT: That has been transparently
11 clear for the last half hour.

12 MR. LOGAN: If I understood the Tribunal
13 a minute ago, you said that you didn't understand
14 how he would know that.

15 THE PRESIDENT: You asked him a question to
16 the effect that he didn't know what the Foreign
17 Office did with all its documents and he doesn't
18 know and perhaps nobody except the Foreign Minister
19 would know. He might not know.

20 MR. LOGAN: Well, if the Tribunal is satis-
21 fied on that point, I am.

22 THE PRESIDENT: He says these documents
23 have lists of the addressees; I suppose in the left
24 hand lower corner. We are all familiar with that.
25 That is the sum total of his knowledge, no doubt.

TANAKA

CROSS

1 That is what he knows about regulations.

2 BY MR. LOGAN (Continuing):

3 Q Was the list of these addressees you talked
4 about on a separate piece of paper?

5 A It is written at the end, at the very end.

6 Q On the document itself or on a separate
7 piece of paper?

8 A At the end of the document itself.

9 Q Who typed those addresses, if you know?

10 THE PRESIDENT: The name of the typist
11 isn't material.

12 Q What office typed them on there?

13 A If it were documents from the Foreign
14 Office it would be typed in the Foreign Office.

15 Q Well, do you know where these documents
16 came from? Was it the Foreign Office or some other
17 office relating to prisoners of war?

18 A Documents relating to prisoners of war would
19 come from the Foreign Office, from the headquarters
20 of the gendarmerie, and from the Home Office.

21 Q Well, let us get to the question of replies,
22 General. Did the Prisoner of War Information Bureau
23 or the Prisoner of War Administration Bureau ever
24 send out any replies to these inquiries with respect
25 to prisoners of war?

TANAKA

CROSS

1 A Yes, from the Prisoner of War Administration
2 Bureau, also from the Military Affairs Bureau, and,
3 with respect to matters pertaining to the gendarmerie,
4 from the Military Service Bureau of the War Office.
5 But the actual document itself cannot be sent out
6 without the approval and authorization of the Military
7 Affairs Bureau.

8 Q So you, as the head of the Military Service
9 Bureau, handled some of these prisoner of war matters,
10 is that true? Could I get a yes or no on that,
11 General?

12 A Yes.
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1 Q Have you been indicted for any of your acts
2 in connection therewith?

3 A (No response).

4 Q You say yes, you have been indicted?

5 A No.

6 Q You have not been indicted, is that it?

7 A I have not been indicted; yes.

8 Q As a matter of fact, General, didn't you have
9 a great deal to do with the Kempei Tai?

10 A Yes.

11 Q Have you been promised any immunity by giving
12 your testimony here?

13 A To this day I have not ever received any such
14 premise.

15 Q As head of the Military Service Bureau didn't
16 you receive reports direct, you personally, direct
17 from the commandants in the various fields with re-
18 spect to the treatment of prisoners of war?

19 A No.

20 Q Did you ever issue any instructions to the
21 commanders in the various fields with respect to the
22 treatment of prisoners of war?

23 A No.

24 Q How many meetings did you attend similar
25 to this one you described Friday while you were head

TANAKA

CROSS

1 of the Military Service Bureau?

2 A Twice a week.

3 Q For how many weeks?

4 A Always.

5 Q How many years?

6 A From December, 1940, to September 21, 1942.

7 If during that time I am away on a trip I would be
8 represented by proxy, 'n that case the senior section
9 chief of my bureau.

10 Q Do you remember the names of every person
11 who attended every one of those meetings over a
12 period of two years?

13 A Generally -- on the whole, yes.

14 Q By the way, where did you go on these trips;
15 inspecting prisoner of war camps?

16 A I have never inspected a prisoner of war
17 camp. I have made trips on other business.

18 Q Well, now, the list of these names who, you
19 say, attended this meeting the end of April, 1942,
20 are you absolutely sure that each and every one of
21 the persons named -- which you named the other day --
22 attended that particular meeting?

23 A I was speaking of the conference of bureau
24 chiefs of the War Ministry and I may have left out
25 some of the names. Inasmuch as the Chief of the

TANAKA

CROSS

1 Medical Affairs Bureau and the Chief of the Legal
2 Affairs Bureau were on a tour of the southern regions
3 at that time, I presume they were represented by
4 their section chief.

5 Q It is also possible that you included some
6 names of people who were not there, isn't it?

7 A Yes, I think they attended but as I have
8 just said, some were away on trips and therefore
9 might have not been there but they were probably
10 represented by proxy. At any rate the responsibility
11 resides in the chief, the director of the bureau;
12 and it is because that some may have been away on
13 trips that I made the reply as I just did with respect
14 to these two chiefs.

15 MR. LOGAN: I move to strike out that part
16 of the answer with respect to where responsibility
17 lies, if the Tribunal please.

18 THE PRESIDENT: He could well testify to
19 that. That is not encroaching on our functions.

20 MR. LOGAN: But it is not responsive to the
21 question, your Honor.

22 THE PRESIDENT: A few answers are, that is,
23 it is relevant at all events to the subject matter.

24 Q In any event, General, as we understand your
25 testimony today, you are not sure whether these fifteen

TANAKA

CROSS

1 names that you set forth Friday, whether these
2 fifteen men actually attended that particular
3 meeting; isn't that so?

4 A I am sure with the exception of the two
5 names I just gave.

6 Q What makes you so sure as to the rest of them?

7 A Because I saw the faces of these men very
8 clearly at that time.

9 Q Out of over two hundred meetings you can
10 definitely remember these other thirteen men being
11 at this one particular meeting; is that what we are
12 to understand from your testimony?

13 A I am not asking you to believe or to under-
14 stand. I am just stating a fact.

15 Q Did TOJO attend every one of these two
16 hundred meetings or was he ever absent?

17 A Yes, he has been absent at times.

18 Q Is the same true about KIMURA?

19 A Vice Minister KIMURA was absent on one or two
20 occasions on account of illness but he --

21 Q Was he absent at that particular time?

22 A (Continuing) but he has never taken trips
23 and I presume he was at most meetings.

24 Q Is your statement that he was at this particu-
25 lar meeting also based on a presumption?

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1 A No, I am sure. I have confirmed that
2 fact.

3 Q How did you confirm it?

4 A Because I remember having seen Vice Minister
5 KIMURA at that meeting.

6 Q In other words, you remember he was there
7 because you remember he was there, is that it; that
8 is your confirmation?

9 A I am positive that I saw him there and since
10 he was not sick or away on trip at that time he was
11 surely present at the meeting.

12 Q How about TOMINAGA; are you sure he was there?

13 A I think that he was there.

14 Q You are not positive about him?

15 A Yes, I am positive.

16 THE PRESIDENT: We will recess for fifteen
17 minutes.

18 (Whereupon, at 1045, a recess was
19 taken until 1100, after which the proceedings
20 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 BY MR. LOGAN (Continued):

5 Q General, did Mr. SATO ever miss any of these
6 meetings?

7 A Yes, as you say, he has been absent at some
8 meetings.

9 Q Was he absent at this particular one to
10 which you testified?

11 A Yes.

12 Q Which ones did he miss?

13 A With respect to SATO's absence, I do not
14 think that he was absent at any meeting while I was
15 in office -- while I was still in office.

16 Q Well, how could you possibly know whether
17 he missed any meetings or was at any meetings while
18 you were out of office?

19 A In 1943, when Prime Minister TOJO was on
20 a tour of the southern regions, SATO was in his suite
21 and, therefore, he was absent from these meetings
22 during that tour.

23 Q What dates did he miss?

24 A During the tour of the southern areas.

25 Q When was that -- the months?

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1 A I cannot answer because I do not recollect --
2 I do not remember.

3 Q How about the two years while you were
4 actually in office; did he miss one meeting, two
5 meetings, or how many?

6 A SATO began to attend these meetings after
7 he became Chief of the Military Affairs Bureau on
8 April 20, 1942, and I do not think he missed any
9 meetings up to September of that year.

10 Q Are you positive that he was at this one,
11 is that it?

12 A Yes, I am positive.

13 Q How many meetings did he miss prior to
14 April, 1942?

15 A Do you mean present or absent?

16 Q How many did he miss; how many were there
17 at which he was not present?

18 A Prior to April 20, SATO was not qualified to
19 attend the conferences of Bureau Chiefs.

20 Q How about KAN; how many meetings did he
21 miss up to September, 1942?

22 A KAN hardly missed a meeting.

23 Q But he did miss some?

24 A Probably he might have missed one or two
25 meetings.

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1 Q Did he miss this one the latter part of
2 April, 1942?

3 A He was present.

4 Q Do you have anything to verify that besides
5 your own recollection?

6 A He was sitting next to me.

7 Q How about YOSHIKUNI; how many meetings did
8 he miss?

9 A YOSHIKUNI hardly missed a conference.

10 Q Which ones did he miss?

11 A I do not recall each occasion.

12 Q Is it possible he wasn't at this conference
13 you are talking about?

14 A I believe that he was in attendance.

15 Q But you are not sure?

16 A I have -- I am positive.

17 Q You are positive that he was there?

18 A Yes, I am positive.

19 Q How about KURIHASHI, how many meetings did
20 he miss?

21 A KURIHASHI was frequently absent from these
22 meetings.

23 Q Was he absent from this particular one?

24 A It was not a special meeting, but a regular
25 meeting, and I believe he was in attendance.

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1 Q Did you have special meetings in addition
2 to these two a week?

3 A There has not been any special meeting.

4 Q When you mentioned a "special meeting" a
5 minute ago, what did you mean by that?

6 A What I meant by "special meeting," when
7 War Minister TOJO would hold a meeting of two or
8 three Bureau Chiefs to make decisions on certain
9 matters, I would consider them as special meetings.

10 Q Were all these people present at those
11 special meetings?

12 A As I have said before, OYAMA, Director of
13 the Legal Affairs Bureau, and MIKI, Director of the
14 Medical Affairs Bureau, were away on a trip in the
15 southern regions; so they were absent. As to these
16 two persons, I am not positive.
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1 Q I was asking you about those special meet-
2 ings. Did all these people you have mentioned here
3 attend those special meetings?

4 A What are you referring to by "special
5 meetings"? Is that the meeting that discussed the
6 question of prisoners of war or other meetings?

7 Q Did this particular group of men whom you
8 named the other day have other meetings besides the
9 two a week that you have testified?

10 A I attended these special meetings twice or
11 three times myself. I cannot speak of those who
12 were absent -- who were not in attendance at such
13 meetings. I do not know whether they were there or
14 not.

15 Q Did the Bureau Chiefs have special meetings
16 in addition to these regular two a week meetings?

17 A You mean me?

18 Q You were a Bureau Chief, weren't you?

19 A As I have said just a while ago, I have
20 attended these special meetings twice or three times.

21 Q How many times were special meetings held
22 of Bureau Chiefs?

23 A It is only in urgent or temporary cases when
24 some incident would occur, the War Minister would
25 call a conference of two or three Bureau Chiefs who

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1 are related to the question on hand, get their
2 opinions and views on the question, and the decision
3 would be made by the Minister of War.

4 Q Were there any special meetings where all
5 the Bureau Chiefs were called?

6 A No, there were none.

7 Q How many meetings -- how many of these regu-
8 lar meetings did MIKI miss?

9 A MIKI? Do you mean MIKI?

10 Q That's what I said.

11 A I think he missed about eight meetings since
12 he was away on a tour of the southern areas for about
13 a month from April 17 -- April, 1942, if my recol-
14 lection is not mistaken.

15 Q Was he present at this meeting?

16 A I think he was not present at this meeting.

17 Q Is that statement based on the fact that
18 MIKI doesn't happen to be one of the accused in this
19 case?

20 A No. I merely listed the names of these
21 persons who would be in attendance at these Bureau
22 Chief conferences in answer to a question by the
23 prosecutor. But, after quietly recollecting my
24 memory, I came to feel that MIKI and OYAMA were
25 absent from these meetings because they were at that

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1 time on a tour of the southern areas, and that is
2 why I made this correction this morning. Although
3 MIKI might have been absent, he would be represented
4 there at the meeting by proxy, and MIKI, himself,
5 would be responsible for representation there.

6 Q Is it quite possible that some of these
7 others whom you just named might not have been there,
8 too?

9 A My memory is quite good; and, except for these
10 two names that I have just given, I am quite positive
11 that the others were in attendance at this meeting.

12 Q Do you think with a little more recollection
13 you might change your answer?

14 A I don't think there is any room for re-
15 consideration.

16 Q How about NAKAJIMA; how many meetings did
17 he miss?

18 A NAKAJIMA? NAKAJIMA was not present at the
19 meeting.

20 Q The other day you said he was.

21 A I think that was a mistake in interpretation.

22 Q Or was it a mistake on your part?

23 A Is it not a mistake for NAKAMURA, Commander
24 of the Gendarmerie?

25 Q How about NAKAMURA; how many meetings did

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1 he miss?

2 (To the Court) If the Tribunal please, upon
3 re-reading this, it might be a mistake on transla-
4 tion. I just noticed it. It is, "NAKAJIMA, Chief
5 of the" dashes, and then NAKAMURA." I am sorry.

6 THE PRESIDENT: It is intended to be a
7 correction, no doubt. Apparently, mixed up
8 NAKAJIMA with NAKAMURA.

9 Q How many meetings did NAKAMURA miss?

10 A Before the outbreak of the Pacific War
11 NAKAMURA, Commander the Gendarmerie, was frequently
12 on a tour of the various localities. But, after
13 the outbreak of the war -- and, therefore, he was
14 absent. But, after the outbreak of the war, he was
15 in Tokyo and, therefore, in attendance at the
16 meetings.

17 Q General, let me understand you: These
18 men whom you say were on various tours, they, of
19 course, would not be present at the meetings. But
20 are you basing your statement that they were at
21 these meetings just because of the fact that they
22 were not on various tours of duty elsewhere?

23 A No, not only that. I say so because I
24 recall having seen them at the meeting.

25 Q Well, isn't it quite possible, General,

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1 that they may have been in Tokyo and still not
2 have attended some of these meetings?

3 A Such a thing was never permitted by War
4 Minister TOJO.

5 Q How many meetings did HANDA miss?

6 A HANDA has never missed a meeting.

7 Q How about MATSUMURA?

8 A MATSUMURA was frequently sick and, there-
9 fore, absent from these meetings.
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1 Q Was he permitted to be absent by TOJO?

2 A Yes.

3 Q What meetings did he miss?

4 A I do not recall to that extent.

5 Q General, aren't you known by the people in
6 Japan as "The Monster"?7 MR. JUSTICE MANSFIELD: I object, if the
8 Tribunal pleases. The question is offensive and it
9 is also irrelevant.10 MR. LOGAN: I think it is very relevant, if
11 the Tribunal please. Here's a man that has come and
12 testified here, that has admitted he is the head of
13 the Kempei Tai, and isn't even indicted. I think
14 the Tribunal should know the type of man that is
15 testifying for the prosecution.16 MR. JUSTICE MANSFIELD: I submit that the
17 last statement by the counsel for the defense was
18 highly improper, and gratuitous statements by
19 counsel should be disregarded by the Tribunal, I
20 should think.21 THE PRESIDENT: Any statement made for the
22 mere purpose of insulting the witness is, of course,
23 objectionable and can not be permitted. I don't
24 know whether this last question of Mr. Logan's is
25 really objectionable. If the man is known as "The

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1 Monster" he can be asked that.

2 MR. JUSTICE MANSFIELD: I submit, if the
3 Tribunal pleases, that any answer to that question
4 can in no way assist the Tribunal. It is highly
5 offensive and, furthermore, to refute a statement
6 made by the counsel for the defense, the witness was
7 never the head of the Kempei Tai.

8 THE PRESIDENT: Did I hear him say this
9 morning that he was associated with the Kempei Tai?

10 MR. LOGAN: Yes, he admitted that he was
11 the head of it.

12 THE PRESIDENT: And we know what the evidence
13 about the Kempei Tai methods has been. And we know
14 the grave importance to the accused of this witness'
15 testimony.

16 MR. JUSTICE MANSFIELD: He said, to the
17 best of my recollection this morning that he was con-
18 nected or the head of the Military Affairs Section,
19 the Military Service Section of the Military Affairs
20 Bureau, and that that section had dealings with the
21 Kempei Tai, official dealings with the Kempei Tai.
22 He at no time said he was the head of the Kempei Tai.

23 THE PRESIDENT: Well, I think we should not
24 be unduly restrictive of the cross-examination so
25 far as it tends to show the character of this

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1 witness. However, I will take the views of my
2 colleagues, whether Mr. Logan's question which is
3 objected to should be overruled or disallowed.

4 We think the question should be allowed.

5 A Yes, various names. There are some people
6 call me "Monster."

7 MR. BLEWETT: If the Court please.

8 THE PRESIDENT: Mr. Blewett.

9 CROSS-EXAMINATION

10 BY MR. BLEWETT:

11 Q Was not the full title of your office in
12 December 1940 Chief of the Military Service and
13 Discipline Bureau of the War Ministry?

14 A Well, that may be the translation in English,
15 but in Japanese it is known as Heimu-kyoku, and
16 therefore it is ordinarily translated as Military
17 Service Bureau, but the functions of the bureau in-
18 clude discipline, mobilization of personnel, ex-
19 service men and internal defense.

20 Q Did not your bureau have some connection
21 or control over the Kempei Tai?

22 A We handled affairs pertaining to the Gen-
23 darmerie, or Kempei Tai, but not to supervise or
24 control that organization. In carrying out various
25 measures or matters with respect to the Kempei Tai,

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1 one of my functions was to draft plans as one of the
2 staff officers of the War Minister. The Gendarmerie
3 was under the control and supervision of the War
4 Minister and the War Vice Minister.

5 Q Was not military discipline under the juris-
6 diction of your bureau?

7 A Yes, we handled business and matters pertain-
8 ing to military discipline, but as to supervision
9 and control, that rested with the War Minister.

10 Q Well now, was not relaxation of discipline,
11 as evidenced by misconduct of a soldier, your
12 responsibility?

13 A Yes, with respect to the business relating
14 to the matter. But as to control, no.

15 Q Was your work wholly connected or concerned
16 with the army service personnel?

17 A Yes.

18 Q Didn't that work keep you pretty busy?

19 A Yes, very busy.

20 Q You had no time for active participation in
21 the Military Affairs Bureau, did you?

22 A As to the Military Affairs Bureau, there was
23 frequent friction between that bureau and mine and
24 between my subordinates and personnel of the Military
25 Affairs Bureau, and therefore I am quite familiar

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1 with the Military Affairs Bureau.

2 Q With regard to the Military Affairs Bureau
3 being the most important, is it not a fact that each
4 bureau has about the same importance in that organi-
5 zation?

6 A Nominally, on the surface or according to
7 the letter of the regulations, they were all of
8 equal importance, but actually speaking, the General
9 Affairs Bureau had the most important functions.
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1 Q How about the Personnel Bureau?

2 A The Personnel Bureau, of course, handled the
3 transfer of military personnel. But in the light of
4 the internal situation in Japan at that time and the
5 fact that the army was the impelling force or the
6 leading force in Japan, and inasmuch as the Military
7 Affairs Bureau handled military budget and had quite
8 a say on matters pertaining to internal and foreign
9 matters, I consider this bureau to be the most impor-
10 tant of the bureaus.

11 Q How about the War Munitions Bureau?

12 A Compared to the Military Affairs Bureau, not
13 as much importance.

14 Q Now, there are various documents referred to
15 here. So that we may know what each one is talking
16 about, there are certain diplomatic documents. Are
17 you familiar with those?

18 MR. JUSTICE MANSFIELD: If the Tribunal
19 please, I would ask that the question be put in a
20 clearer fashion; what documents he is referring to
21 as diplomatic documents.

22 THE PRESIDENT: That is necessary.

23 MR. BLEWETT: I think, sir, he referred to,
24 "...diplomatic documents were first sent to the
25 adjutant's office in the War Ministry and from there

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1 to the Military Affairs Section." On page 14,287, sir,
2 about the middle of the page. I think we should
3 understand, sir, when he talks about documents, whether
4 he is referring to diplomatic documents or protests.

5 VR. JUSTICE MANSFIELD: If the Tribunal please,
6 it refers to "Such diplomatic documents..." clearly
7 referring back to the earlier answer, "Documents and
8 other papers relating to prisoners of war..."

9 MR. BLEWETT: I presume, sir, they have
10 reference to the documents that passed through the
11 Swiss Legation or Government in January 1942, shortly
12 after the war began.

13 THE PRESIDENT: Well, does he mean anything
14 more than documents relating to prisoners of war when
15 he speaks of diplomatic documents?

16 Answer that question, Witness, please.

17 THE WITNESS: Yes, documents relating to
18 prisoners of war are included. But diplomatic documents
19 as a whole are first sent to the War Minister's
20 secretariat and from there to the Military Affairs
21 Bureau, and there, after being seen, would be circulated
22 to the bureaus and other departments concerned.

23 THE PRESIDENT: That is consistent with his
24 former answer.

25 Q Is it not a fact that the Prisoner of War

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1 Information Bureau was an independent bureau established
2 under provisions of international law and not under
3 the control of the Military Affairs Bureau?

4 A There is no bureau in the War Ministry which
5 is under the control of the Military Affairs Bureau.
6 They are all under the jurisdiction and control of
7 the Minister of War. The Prisoners of War Information
8 Bureau is a special existence in Japan and it is under
9 the control of the Minister of War. They are all
10 under the direct control of the War Minister. But the
11 Prisoners of War Information Bureau was established
12 under international law but as a special existence
13 in Japan under the control of the War Minister, and
14 it is a fact that it is one of the organizations
15 under the wings of the War Ministry. But the
16 fact that it is a temporary office is true.

17 Q Now, if you know, wasn't it a fact that all
18 these protests that had anything to do with prisoners
19 of war were handed over to this Information Bureau
20 by the Foreign Office?

21 A No. I believe that it was not sent directly
22 to the Prisoners of War Information Bureau; but I
23 know it as a fact that if sent it would be sent
24 through the Military Affairs Bureau.

25 Q Well, now, with regard to reports from the

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1 field, to whom were they directed in so far as
2 prisoners of war were concerned?

3 A Reports with respect to prisoners of war
4 from the field, not being diplomatic documents, are
5 sent to the secretariat of the War Minister, and from
6 there sent to the various departments concerned.

7 Q Now, there is a document, prosecution document
8 2732-A, relating to a dispatch from Kanburi to Tokyo.
9 Did you see that document?

10 THE PRESIDENT: Has it an exhibit number?

11 MR. BLEWETT: It has not been placed in
12 evidence yet, sir. It is on the list of documents
13 to be submitted.

14 THE PRESIDENT: Well, you will be able to
15 ask him that question from the document.

16 The witness from the Japanese Foreign Office
17 gave evidence about the documents that were received
18 by that office and what became of them. He was to
19 give us further particulars. These particulars were
20 to be obtained from the files and would show the dis-
21 tribution of the documents.

22 MR. BLEWETT: I think the witness was SUZUKI,
23 sir.

24 MR. JUSTICE MANSFIELD: If the Tribunal
25 please, I do not desire to object to the further

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1 cross-examination of this witness, but I submit this
2 is outside the scope of the evidence in chief given by
3 this witness.

4 THE PRESIDENT: The question was put while I
5 was talking to my associate. I did not hear it. What
6 was it?

7 I did not hear the question you objected to,
8 Mr. Justice Mansfield. I was talking to Mr. Crane
9 about another matter in which the Russian Justice is
10 interested.

11 We will adjourn until half-past one.

12 (Whereupon, at 1200, a recess was
13 taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Blewett, Mr. Justice
Mansfield took an objection that the last question
of the cross-examination did not arise out of the
examination in chief. It is impossible to tell from
the question whether it does or not.

"Now, there is a document relating to a
dispatch from Kanbury to Tokyo, did you see that
document?"

How do we know whether that arises out of
the examination in chief? It all depends on what
the document contains.

MR. JUSTICE MANSFIELD: It is a document
which will be introduced in evidence later, and I
do not desire to restrict the cross-examination, if
the Tribunal thinks the question should be asked.

THE PRESIDENT: Yes, Mr. Blewett.

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1 R Y U K I C H I T A N A K A, recalled as a witness
2 on behalf of the prosecution, resumed the stand
3 and testified further through Japanese inter-
4 preters as follows:

5 CROSS-EXAMINATION (Continued)

6 BY MR. BLEWETT:

7 Q You may answer the question, Witness.
8 Perhaps the stenographer had better read it back
9 to him.

10 (Whereupon, the official court
11 reporter read as follows:)

12 "Q Now, there is a document, prosecution
13 document 2732-A, relating to a dispatch from Kanbury
14 to Tokyo. Did you see that document?"

15 A I cannot reply to that question unless I
16 first see the document and see whether I saw it or
17 not.

18 Q Do you read English?

19 A No.

20 MR. BLEWETT: I think, sir, I shall call
21 this document to his attention as to its content
22 and save time.

23 THE PRESIDENT: Use the terms in the document
24 as you put the question.

25 MR. BLEWETT: Yes, sir.

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1 Q Now, this is a telegram from Kanbury sent
2 on September 3, 1943, from POW Camps' Commander in
3 Thailand to Chief of POW Information Bureau, and
4 is a gist of the monthly report for August relative
5 to prisoners of war.

6 Now, did not this same system prevail
7 during your term of office?

8 A Such a system was established some two
9 months before I resigned from office, somewhere
10 around from July, and, therefore, this system was
11 in effect for two months while I was in office, the
12 last two months. Since the Chief of the Prisoners
13 of War Information Bureau was concurrently Chief of
14 the Prisoners' Administration Bureau, all reports
15 and matters related to POW camps in the field were
16 addressed to the Chief of the Prisoners of War In-
17 formation Bureau. With respect to the handling of
18 such reports, if it happens to be a document, it
19 would come to the War Minister's Secretariat by way
20 of the post office of the Imperial General Headquarters.
21 If it happens to be a telegram, that is received by --
22 in the Imperial General Headquarters Receiving Office,
23 and from there transmitted to the War Minister's
24 Secretariat. Then later the matter is transmitted to
25 the Prisoners of War Information Bureau and other

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1 departments concerned; but the document which you
2 have just read, I presume, seems to be a telegram.
3 But, inasmuch as its date is 1943, at a time when
4 I was not in office, I have not seen it.

5 Q Do you not also recall that the replies of
6 the Japanese Government to protests from other nations
7 were actually drawn at the office of the Prisoners
8 of War Information Bureau?

9 A Yes. There are cases when such replies are
10 drawn up by the Prisoners of War Information Bureau;
11 but, as I have said before, since the matter of
12 treatment of prisoners of war went beyond the point
13 of merely the carrying out of the terms of inter-
14 national law to a point where it became a question
15 of policy, such replies could not be sent without
16 the approval and agreement of the Military Affairs
17 Bureau of the War Ministry.

18 Q Is it not a fact that you were not active
19 in your office due to a serious illness subsequent
20 to July, 1942?

21 A No.

22 Q Did you not submit your resignation to the
23 War Minister in September, 1942?

24 A Yes.

25 Q How many prisoners of war protests from

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1 foreign governments did you actually see before
2 July, 1942?

3 A Since foreign matters were not a part of
4 the function of my bureau, I have never seen the
5 protests myself; but twice in the course of the
6 conference of bureau chiefs I recall UEMURA, Chief
7 of the Prisoners of War Information Bureau, disclosing
8 the contents of a protest -- of protests.

9 Q Were you actually present at the meeting
10 of bureau chiefs at the end of April, 1942, when
11 the question of prisoners of war was discussed?

12 A Yes, I was present.

13 Q What was the hour and exact date of that
14 meeting?

15 A At that time the conference of bureau chiefs
16 were held regularly every week on Tuesdays and Fri-
17 days and were opened at seven o'clock in the morning;
18 and so, I think it would be April 28th when that
19 meeting was held.

20 Q Where did the meeting take place?

21 A In the drawing room of the Minister of War.

22 Q Are you positive this meeting to which you
23 refer did not take place on May 26, 1942?

24 A It may have been the 26th.

25 Q Now, what -- I will withdraw that, please.

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1 Were not many other questions considered at
2 this meeting other than the prisoners of war question?

3 A I think they were discussed.

4 Q What were some of those other questions?

5 A With respect to items within my own province,
6 I recall having made a report in March with respect --
7 I recall having reported on matters with respect to
8 discipline and morals in the Army in the various
9 districts in the month of March after having been
10 advised by the War Minister to tighten regulations
11 concerning these matters.

12 Q Did your report precede this discussion of
13 the POW's or was it subsequent thereto?

14 A Before the question of prisoners of war
15 was taken up.

16 Q Now, was it not customary for the bureau
17 chiefs to leave the meeting when their business had
18 been fully transacted?

19 THE MONITOR: Will the American court
20 reporter repeat that?

21 (Whereupon the last question was
22 read back by the official court reporter.)

23 A No. All bureau chiefs remained to the last.
24 The bureau chiefs leave the meeting only after the
25 War Minister himself leaves the conference room.

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1 Q Was there a written record maintained of
2 this meeting?

3 A Yes, I recorded these matters in my own
4 memorandum and left it with my successor when I
5 resigned.
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1 Q Was there an official record maintained of
2 this meeting?

3 A An official record was not kept.

4 Q Who among those present raised the ques-
5 tion as to the treatment of prisoners of war?

6 A It was UEMURA, Chief of the Prisoners of
7 War Information Bureau, because of the function of
8 his office.

9 Q In your testimony on Friday, on page 14,289
10 of the record, you recite a long list of names, but
11 you do not include UEMURA?

12 A I did not specify the name at that time
13 because I had already spoken of the fact that UEMURA,
14 Chief of the Prisoners of War Information Bureau,
15 had spoken to the War Minister about matters relat-
16 ing to prisoners of war.

17 Q Do you now say that UEMURA was actually
18 present or that these suggestions or his ideas were
19 submitted in another form?

20 A He was present there as one of the chiefs
21 and spoke as one of the chiefs.

22 Q Are you certain that MATSUMURA was at this
23 meeting?

24 A Yes, I say that on the basis of positive
25 belief.

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1 MR. JUSTICE MANSFIELD: If the Tribunal
2 please, I would like to point out that at page 14,290
3 of the record he mentions that UEMURA was at the
4 meeting.

5 MR. BLEWETT: Sir, on the preceding page,
6 I believe it is, there was a leading question asked,
7 if UEMURA attended the meeting, which was objected
8 to and sustained by your Honor. Then by a proper
9 question the witness recites this long list, and at
10 the end he said, "That is all." I admit that there
11 is a later reference to UEMURA and that is the reason
12 I asked the question whether he submitted it orally
13 or through some other source.

14 THE PRESIDENT: In the result your cross-
15 examination is directed to the examination in chief
16 and is allowable.

17 BY MR. BLEWETT:

18 Q Was not Colonel YAHAGI Chief of the Mili-
19 tary Information Section at this time?

20 A Colonel YAHAGI was definitely present at
21 the meeting as Chief of the Information or Press
22 Section of the War Office, and MATSUMURA was present
23 at the meeting in his capacity as Chief of the First
24 Division of the Board of Information. In addition,
25

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1 YAHAGI--yes, definitely was present, and also
2 KAWABE, Director General of the General Aviation
3 Headquarters was also present. That much I add.

4 Q What actually did UEMURA request at that
5 meeting?

6 A Since the operations in the southern regions
7 had been concluded at that time, the question of how
8 to handle prisoners of war was brought up in order
9 to obtain the decision of the War Minister.

10 Q Do you know what his exact words were?

11 A If my memory is not incorrect, UEMURA simply
12 brought up the question of how to treat prisoners
13 of war and requested the decision of the War Minister
14 on that question.

15 Q Did you hear the War Minister say the exact
16 words you quoted in your testimony?

17 A Yes.

18 Q Do you recall Minister TOJO state that
19 prisoners of war are to be treated according to the
20 regulation for the treatment of prisoners of war?

21 A The regulation concerning the treatment of
22 prisoners of war had not been made at that time.

23 Q Are you familiar with Article 2 and 3 of
24 those regulations of 1904 as amended, 1905, 1914,
25 and 1943?

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1 A They were matters which were decided upon
2 at the time of the Russo-Japanese war and I do not
3 know the details--I do not remember any details.
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1 Q As a bureau chief do you not recall section
2 2, I should say article 2, of those regulations?

3 A No, I do not.

4 Q If I refresh your memory by reading section
5 2 you may perhaps recall it: "A prisoner of war shall
6 be humanely treated and in no case shall any insult or
7 maltreatment be inflicted upon him." Do you not re-
8 call that section?

9 A I do, and I also recall that the treatment
10 of prisoners of war at the time of the Russo-Japanese
11 War was extremely humane.

12 Q I shall quote section 3: "A prisoner of war
13 shall be given appropriate treatment according to his
14 status or rank. However, this shall not apply to any
15 persons who do not answer truthfully to any interroga-
16 tions regarding their name and rank, or to any person
17 who is guilty of other offenses." Do you recall that
18 provision?

19 A Yes, I do.

20 Q Now, did not Premier TOJO tell UEMURA at this
21 meeting that he subscribed fully to these two provisions,
22 and that they should be carried out by the commandants
23 of the prisoner of war camps?

24 A Unfortunately, that is not in my memory.

25 Q Are you familiar with the instruction of June 5,

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1 1942 sent to the chief of staff of the Taiwan Army --

2 A I do not.

3 Q Wait a minute; I have not finished the ques-
4 tion, Witness, please -- by chief Prisoners of War
5 Control Bureau concerning the working of POW's, offi-
6 cers and warrant officers?

7 A I have never seen it and it isn't in my recol-
8 lection.

9 Q I shall read a portion of prosecution docu-
10 ment 2688 pertaining to that regard: "Chief of staff,
11 Taiwan Army, from Chief, Prisoners of War Control Bureau,
12 dated June 5, 1942. Although the working of prisoners
13 of war, officers and warrant officers is forbidden by
14 article 1 of the rules for the working of prisoners of
15 war, the policy of the control authorities is that under
16 the situation of our country where not one person now
17 eats without working, and considering the preservation
18 of health of POW's they want them to set to work volun-
19 tarily, conforming to rank, capabilities and physical
20 condition." Now, was it not possible that the War
21 Minister TOJO gave those instructions to UEMURA at this
22 meeting?

23 A At that time as I have said before it was not
24 stated in just such terms, but generally it was as I
25 said that in the light of the policy that no one who

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1 works shall eat -- at that time as I have said before
2 although those very words were not used, those who do
3 not work shall not eat, in the light of the policy that
4 those who shall not work shall not eat, prisoners of
5 war above the rank of warrant officers must be obliged
6 to work. I remember the minister as having said words
7 to that effect.

8 Q Now, could it have been possible that you
9 missed the word "voluntarily?"

10 A I do not think there are anybody among pris-
11 oners of war who would work voluntarily.

12 MR. BLEWETT: Will you kindly read the question
13 to the witness?

14 (Whereupon, the question was read by the
15 Japanese reporter.)

16 WITNESS: No.

17 Q Was the War Minister actually a member of the
18 Imperial General Headquarters?

19 A Yes.

20 Q Now, what were his duties in that headquarters?

21 A To control and to coordinate military adminis-
22 tration.

23 Q Therefore, he was not concerned with matters
24 of the High Command, is that correct?

25 A He cannot be concerned with questions of the

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1 High Command.

2 Q Is it not a fact that you hoped and expected
3 to get the position as chief of the Military Affairs
4 Bureau in 1942?

5 A I have never expected or hoped to obtain that
6 position.

7 Q And is it not a fact that as a result of your
8 disappointment in not obtaining that position you are
9 biased and prejudiced against War Minister TOJO?

10 A That is slander on the part of others,
11 and I have never entertained any ambition to get in
12 that position.

13 MR. BLEWETT: That is all.

14 THE PRESIDENT: Captain Brooks.

15 CROSS-EXAMINATION (Continued)

16 BY MR. BROOKS:

17 Q Now, General, as to the power of command of
18 the Emperor over the military forces, the supreme com-
19 mand was divided into two departments, was it not,
20 the power of command being under the army general staff
21 in relation to the army matters, and administrative
22 matters being handled by the War Minister?

23 A Yes.

24 Q And that the power of command was exercised
25 exclusively by the general staff who had access to the

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1 Emperor, is that not correct?

2 A Yes.

3 Q Now, as to the administrative matters handled
4 by the War Minister, the War Minister was a member of
5 the Cabinet, and his matters of administration and
6 dealings with Cabinet policy had to all be brought to
7 the command organs of the troops through the Army
8 General Staff, did it not?

9 A With respect to operations, yes. With respect
10 to other matters the War Minister may directly communi-
11 cate with the various troops in the field.

12 Q In that respect you, in the last case you are
13 referring to matters exclusively of administration, is
14 that right.

15 A A very clear distinction, a clear-cut distinc-
16 tion between command and military administration is
17 difficult to make. For instance, the organization of
18 the army in peacetime is a command matter, but this is
19 handled entirely by the War Minister.

20 Q But in this period of war the matters of
21 command and the power to issue orders was exclusively
22 in the general staff, is that not correct?

23 A Yes, with respect to mobilized forces, not
24 with respect to troops not mobilized.

25 Q Now, as to the Japanese prisoners of war in

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1 the hands of the Allies, what branch of this military
2 division or bureau handled those matters in relation
3 to any protest or communications in regard to Japanese
4 prisoners of war, Japanese nationals, in the hands of
5 the Allies as prisoners?

6 A That I do not recall, but on the basis of
7 my own general knowledge I think that was in the hands
8 of the Foreign Office.

9 Q So that the Foreign Office as far as you
10 know handled all communications and matters pertaining
11 to prisoners of war with other governments in relation
12 to their own prisoners?

13 A Yes, that is the way I recall it. I think
14 that is the ministry in charge of such matters.

15 Q Now, didn't they likewise handle protests
16 and communications with other governments in relation
17 to Allied prisoners of war in the hands of the Japanese?

18 A No. In Japan the handling of prisoners is
19 quite different from other countries, and the Prisoner
20 of War Information Bureau and administration of prisoner
21 of war matters were under the supervision of the War
22 Minister himself. And, therefore, in so far as the
23 actual handling of matters related to prisoners of war
24 were the responsibility of the War Minister himself,
25 and the Foreign Office was merely a post office which

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1 handled the communications.

2 Q What matters did the Minister of War handle
3 in relation to the prisoners of war? Give us an
4 example.

5 A The Prisoner of War Information Bureau is
6 created in accordance with international treaty. I
7 have read the provisions once or twice but I do not
8 recall them.

9 Q Do you recall any matters that were handled
10 by the War Minister during your period there?

11 A In my recollection the business of control of
12 the prisoners of war included such functions as where
13 to locate POW camps, how to handle prisoners of war,
14 how to promote the health of prisoners of war, what
15 to do with sick prisoners of war, and other general
16 treatment of prisoners of war; how to distribute Red
17 Cross messages and parcels, and the question relating
18 to the exchange of POW letters as through the offices
19 of a neutral country.

20 Q Then you have discussed the matters of policy
21 with dealing with prisoners of war. Who or what depart-
22 ment had the function of carrying out and exercising
23 those matters of policy?

24 A Well, this goes beyond the question of inter-
25 national treaties and becomes a question of policy. But

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1 this policy is carried out in Japan by the War Ministry,
2 specifically by the Military Affairs Bureau. Outside
3 of Japan it is handled by the chief of the general
4 staff after consultation with the Minister of War. In
5 the Army General Staff, in my recollection, it was
6 handled by the Second Division.

7 Q Now, as to the requisitioning of food for
8 prisoners of war, did the War Minister have anything
9 to do with that?

10 A I think that this matter was handled by the
11 various commanders who supervised the various POW
12 camps. If I should repeat that in another way, it
13 was carried out by the various commanders in the field
14 in accordance with the orders and instructions of the
15 War Minister.

16 Q I just thought you had told this Tribunal that
17 the War Minister did not have the power to issue orders
18 in this place, that these parties were under the general
19 staff command, but that the policies laid down in ac-
20 cordance with the policies.

21 THE PRESIDENT: That is not a very clear ques-
22 tion.

23 Q I will withdraw it and reframe the question.
24 You told the Tribunal, Mr. Witness, that the General
25 Staff had the power of command. Now, in your reply here

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1 Q Now, as to the needs of the commanders in
2 the field depending upon the prisoners of war taken,
3 these needs would have to be made known to Tokyo
4 by them through the General Staff, would they not?

5 A On the surface, yes, but actually the
6 matters were carried out by the commandants of the
7 various prisoner of war camps in the field who com-
8 municated directly with the Chief of the Prisoner
9 of War Information Bureau where the matters pertain-
10 ing to POWs were disposed of.

11 Q Then you mean that he communicated directly
12 as you have just stated in addition to making a simil-
13 ar request through the chain of command?

14 A Yes, particularly inasmuch as matters per-
15 taining to prisoners of war was not connected in any
16 way with operations, but being a policy matter, these
17 matters could be handled directly with the War
18 Ministry through the Prisoners of War Information
19 Bureau and this would not be in violation of any
20 regulations.

21 Q Why, if direct contact was possible and quite
22 proper, was it necessary to duplicate this message
23 up through the chain of command?

24 A Well, they would more or less be outside of
25 the general procedure, but this direct reporting from

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1 the field to the Ministry of War was carried on
2 for the sake of convenience and expedience with
3 respect to matters which had to be settled quickly,
4 and so insofar as the rule was for communications
5 from the field to the central authorities was to be
6 channeled through the General Staff, any direct com-
7 munication would be an infringement of those regula-
8 tions if the rule were to be applied strictly; but
9 being prisoner of war questions, being a purely
10 policy matter, there was a tacit understanding that
11 direct communication can be made and there was no
12 protest with respect thereto from the Army General
13 Staff.

14 Q Now, General, in what year -- I withdraw that.
15 Was the December, 1941, the first communication re-
16 ceived by the Japanese from the International Red
17 Cross concerning prisoners of war?

18 A I recall it was received then.

19 Q Had there been any protest received prior to
20 1941 from any of the powers in relation to prisoners
21 of war?

22 A No.

23 Q Was there, in fact, any prisoners of war
24 held by the Japanese during the year 1931 and 1934 to
25 1936?

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A No.

1 Q Now, as to the Geneva Convention, General,
2 the statement was made -- had been made -- that the
3 Japanese did not ratify the Geneva Convention. Do
4 you know whether his Majesty had ratified the policy
5 expressed by Foreign Minister TOGO in following or
6 considering the articles in the Geneva Convention in
7 relation to prisoners of war?

8 A In my recollection I think Japan signed the
9 Geneva Convention but did not ratify it. Hence the
10 Japanese Government, and by that I mean the Emperor,
11 intended to abide by and act in accordance with the
12 Geneva Convention mutatis mutandis.

13 Q But in your department wasn't it clearly
14 understood and wasn't it so made clear by Foreign
15 Minister TOGO to your department that in handling
16 these matters that they refused to be bound in any
17 way whatever by the convention but would only act in
18 accordance with it in giving due consideration within
19 such limits as they found applicable?

20 THE MONITOR: Would the court reporter please
21 read that back?

22 THE PRESIDENT: No, no witness could under-
23 stand that.

24 MR. BROOKS: I will reframe the question.
25

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1 Q Didn't your department understand that the
2 Japanese Government and also that Foreign Minister
3 TOGO refused to be bound in any way by the convention?

4 A Yes, that I did understand.

5 Q Weren't your departments notified to
6 always make that understood in dealing or discussing
7 any matters under said convention when it was con-
8 sidered?

9 A In my opinion the question of treatment of
10 prisoners of war was a question far more important
11 than merely abiding by the provisions of international
12 law and treaties and should be considered in accord-
13 ance with the concept of justice or bushido, as we
14 would say in this country, and it is my view that
15 POW matters should be handled -- should have been
16 handled in that light.

17 Q You mean in the light of the principles of
18 bushido?

19 A It is my belief that the most just way --
20 method of handling prisoners of war -- is that which
21 prevailed at the time of the Russo-Japanese war.

22 Q What was this except an application of the
23 principle of bushido, General?

24 A As at the time of the Russo-Japanese war, to
25 give a prisoner, once a prisoner, the same treatment

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1 that you would accord your own fellow national; in
2 other words, to treat them as a friend.

3 Q Is that in accordance with the principles
4 of bushido?

5 A True bushido must be that way.

6 Q In considering the Geneva Convention, did
7 you utilize this convention for convenience within
8 certain limits for channeling administration --
9 matters of administration and communications?

10 A Whether the Geneva Convention exists or not
11 or the Hague Convention exists or not, once a man
12 lays down his arms he should be treated as a friend,
13 as a fellow countryman. That is my view as being
14 the most just view and I still retain that view.

15 Q Was that the general idea of the other
16 members in the War Ministry staff?

17 A I doubt whether this would be the appropriate
18 place to make a statement such as I am now going to
19 make but at any rate UEMURA was a senior of mine
20 during my days at the military prep school and we were
21 in the same division when he was -- when I was com-
22 mander of the regiment. We were both regimental
23 commanders in the same division. When the question
24 of treatment of prisoners of war was decided upon at
25 the meeting held toward the end of April, 1942,

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1 UEMURA in his heart was very much disappointed.
2 Whoever the soldiers, I am quite sure that everyone
3 would regret the consequences which was not -- which
4 none of the officers had expected. However, at that
5 time these consequences came about as a result of
6 shortages of food and labor. It is a matter that I
7 consider to be extremely regretful.

8 THE PRESIDENT: We will recess for fifteen
9 minutes.

10 (Whereupon, at 1447, a recess was
11 taken until 1500, after which the proceedings
12 were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Captain Brooks.

4 BY MR. BROOKS (Continued):

5 Q General, what you were saying, then, is
6 that any decision on policy that was made was based
7 on military necessity and due to the conditions of
8 the time; is that correct?

9 A Yes.

10 MR. BROOKS: That is all.

11 MR. KUSANO: I am KUSANO, counsel for the
12 defendant SATO.

13 THE PRESIDENT: Counsel KUSANO.

14 CROSS - EXAMINATION (Continued)

15 BY MR. KUSANO:

16 Q All the official documents addressed to
17 the War Ministry with the exception of those specifi-
18 cally addressed to the Chiefs of Bureaus -- Sections,
19 are they not received directly by the Secretariat of
20 the War Ministry?

21 A No.

22 Q Mr. Witness, are you familiar with regula-
23 tions governing the handling of business in the War
24 Ministry?

25 A Yes, I do.

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Captain Brooks.

4 BY MR. BROOKS (Continued):

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6 that any decision on policy that was made was based
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8 the time; is that correct?

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12 defendant SATO.

13 THE PRESIDENT: Counsel KUSANO.

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14 - - -

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18 the War Ministry with the exception of those specifi-
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21 the War Ministry?

22 A No.

23 Q Mr. Witness, are you familiar with regula-
24 tions governing the handling of business in the War
25 Ministry?

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CROSS

1 Q In Article 21 of those regulations it is
2 stipulated that all the documents received by the
3 War Ministry and which are not addressed to Chiefs
4 of Bureaus and Sections are treated -- are received
5 by the Secretariat of the War Ministry; isn't that
6 so?

7 A There are no official documents addressed
8 to the Chiefs of Bureaus and Sections. Yes, there are
9 documents which may be, which can be considered as
10 personal or private messages.

11 Q Even those messages which are supposed to be
12 very close to personal messages -- among those mes-
13 sages which are supposed to be very close to personal
14 messages, there are some official documents, aren't
15 there -- official communications?

16 A Very rare.

17 Q Then, Mr. Witness, do you mean to say that,
18 during your tenure of office as the Chief of Military
19 Service Bureau, documents addressed to the Military
20 Service Bureau came to you through the Military
21 Affairs Bureau? Do you mean to say that?

22 A What I just said relates to diplomatic
23 documents. Other documents or communications
24 relative to the ex-service men's association duty
25 would come to me directly as Chief of the Military

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23 documents. Other documents or communications
24 relative to the ex-service men's association duty
25 would come to me directly as Chief of the Military

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1 A Yes, I do. In Article 21 of those regula-
2 tions it is stipulated that all the documents re-
3 ceived by the War Ministry and which are not ad-
4 dressed to Chiefs of Bureaus and Sections are
5 treated -- are received by the Secretariat of the
6 War Ministry; isn't that so?

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8 to the Chiefs of Bureaus and Sections. Yes, there are
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23 documents. Other documents or communications
24 relative to the ex-service men's association duty
25 would come to me directly as Chief of the Military

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1 Service Bureau. Official documents -- correction --
2 Chiefs of Bureaus have no authority to make decisions
3 on official documents sent to a war office, and if
4 there are any, it would be extremely rare. I am
5 firmly of the belief that such documents are not
6 addressed directly to the Chiefs of Bureaus or
7 Chiefs of Sections.

8 Q Are there not many documents or communica-
9 tions addressed to the Chiefs of Bureaus directly
10 which are sent by the War Ministry in relation to
11 the matters concerning the public affairs --
12 business, official business?

13 Mr. Witness, are there not communications
14 addressed to the Chiefs of Bureaus on matters on
15 which the Chiefs of Bureaus have been relegated
16 authority by the War Ministry?

17 A There may have been such documents or
18 communications addressed to the Personnel Bureau;
19 but, during my tenure of office, I have not re-
20 ceived any such communications with the exception
21 of personal -- very personal messages.

22 Q However, according to the regulations
23 governing the handling of business in the War
24 Ministry, there is no great distinction made between
25 diplomatic documents and documents which are not

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1 diplomatic documents. What do you say about that
2 point?

3 A Most official documents are not addressed
4 to the Bureau Chiefs, but directly to the Vice
5 Minister of War. But the Prisoner of War Information
6 Bureau, being a special bureau and an outside bureau
7 under the War Ministry, documents sent there were
8 sent to that Bureau through the Military Affairs
9 Bureau, and at the same time directly to that
10 Bureau, namely, the Prisoner of War Information
11 Bureau.

12 Q In answer to a question by Counsel Blewett,
13 you testified that in April -- that is, at the time
14 of the meeting of Directors of Bureaus -- regulations
15 concerning the treatment of prisoners of war did not
16 exist. Is your testimony correct concerning that
17 point?

18 A I mean that regulations pertaining --
19 prevailing from the time of the Russo-Japanese War
20 existed, but those relating, those applying to the
21 Pacific War did not. That is the way I wish you
22 to have this matter understood.

23 Q Then, Mr. Witness, do you mean to say that
24 the regulations concerning the treatment of prisoners
25 of war which existed at the time of the Russo-Japanese

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1 War became obsolete or invalid at the time of the
2 Pacific War -- of the Great East Asia War?

3 A It was effective until a new regulation
4 governing the handling of the prisoners of war was
5 created; but it is a fact that it was not applied.

6 Q The meeting at which the question of
7 treatment of prisoners of war was discussed, was it
8 held on the 28th or the 26th of April?

9 A I don't know which, but you could verify
10 that by checking up whether it was Friday or Satur-
11 day between those two days.

12 THE MONITOR: Correction: Friday or Tuesday.

13 If I can see a calendar, then I could answer
14 positively; but in the absence of a calendar I cannot.
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1 Q At the meeting at which the question of
2 treatment of prisoners of war was discussed, did you
3 report on any -- did you make a report on some
4 matter -- on any matter?
5

6 A I gave a report on a part of a report from
7 the gendarmerie in Peking. That was a report on
8 nationals of the United States, Britain and Holland
9 who were resident in Peking and who were considered
10 to be suspicious at the time of the outbreak of the
11 war of Greater East Asia.

12 Q Did you do anything subsequently concerning
13 the matter on which you made a report at that meeting?

14 A I did nothing because, unfortunately, the
15 Chief of the Military Service Bureau cannot give any
16 directions with respect to business matters to
17 gendarmerie units in areas outside of Japan.

18 A You also testified that at that meeting
19 General UEMURA asked the War Minister concerning the
20 treatment of the prisoners of war. Did he ask that
21 question in that -- such a vague way?

22 A No. It may have been general and abstract,
23 but it was not so inasmuch as he spoke of the Geneva
24 Convention and the regulations pertaining to the
25 Russo-Japanese War. But I spoke on the basis of the
conclusions which were reached and the decision.

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1 reached by the War Minister.

2 It was not so general and abstract inasmuch
3 as he spoke of the Geneva Convention and also the
4 regulations existing at the time of the Russo-
5 Japanese War. What I said was those were the con-
6 clusions of the discussion for which the decision of
7 the War Minister was asked.

8 Q In asking for such decisions -- decision for
9 such an important matter, is it not customary to ask
10 the decision of the Minister in writing?

11 A After that, the decision would be received
12 in writing on which would be the seal of the War
13 Minister. I think the legal steps to make this an
14 official decision was made on June 2. It was not
15 June but May 2, as I recall.

16 Q Then, the question of -- your testimony
17 concerning the fact that the question of treatment
18 of PW's was discussed at this meeting simply means
19 that UEMURA took up that question incidentally in the
20 course of that meeting, is it so?

21 A No. This did not come up incidentally but
22 because the time had come where it was necessary to
23 obtain the Minister's decision on the matter.

24 Q You testified a while ago that the question
25 of forced labor -- compulsory labor and not of

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1 voluntary labor was mentioned at this meeting.

2 The witness referred to that -- one witness --
3 you referred to those words -- you said it with an
4 air of contempt. However, is it not a fact that
5 the War Minister, himself, did not say that prison-
6 ers of war should be employed -- should be compelled
7 to work if the War Minister did not give such
8 directions?

9 A With respect to obligations not specific-
10 ally stipulated in a treaty, there is no way of
11 having that carried out except by compulsion. That
12 is, you cannot compel labor without an order.

13 Q Mr. Witness, you also testified that direct
14 reports were sent from armies on the field to the
15 Director of the Prisoner-of-War Information Bureau
16 for the sake of convenience. Didn't you say so?

17 A Yes, I did.

18 Q However, as a matter of fact, it wasn't a
19 matter of convenience -- it wasn't merely a matter
20 of convenience or expediency, but it was necessary --
21 rather, didn't the Director of the Prisoners-of-War
22 Information Bureau have the authority to receive --
23 to request forwarding of those reports from the
24 field in accordance with the regulations governing
25 the organization of the POW Information Bureau?

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1 A It is clearly a question of convenience
2 even though there might be regulations providing for
3 that because the War Minister does not have any power
4 of command over forces in the field. And, even though
5 reports would be sent directly by POW camp commanders
6 to the Prisoner-of-War Information Bureau, that would
7 be in accordance with the policy of expedience.

8 The War Minister does not have the authority
9 to request reports from commanders in the field who
10 have jurisdiction over POW camps in the field inas-
11 much as they were outside of the power of command
12 of the War Minister. And even if there would be
13 stipulations providing for direct reports, that
14 would be merely expedience from the standpoint of the
15 fact that that was outside of the War Minister's
16 command.

17 Q Mr. Witness, you also testified that ques-
18 tion of POW's were treated by the Military Affairs
19 Bureau inasmuch as it was not a question of treaty
20 but a question of policy; is that not so?

21 A Yes, I said that was handled by the Mili-
22 tary Affairs Bureau because it was a policy matter.

23 Q Then, what would the POW Information Bureau
24 or POW Administration Bureau do with respect to
25 prisoners?

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1 A Routine business matters.

2 Q Well, then, what is the difference of
3 routine matters handled by the PW Control Bureau and
4 Prisoner-of-War Information Bureau?

5 A The Control Bureau was in charge of the
6 treatment of prisoners, whereas the Information
7 Bureau pertained to the exchange and the collection
8 of information pertaining to the prisoners of war
9 as it affected treaties.

10 MR. KUSANO: That is all.

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1 THE PRESIDENT: Mr. Howard.

2 CROSS-EXAMINATION (Continued)

3 BY MR. HOWARD:

4 Q General, at the meeting of April, 1942,
5 that you have been talking about, did Vice-Minister
6 KIMURA say something?

7 A If my memory is not incorrect, he did not say
8 a word.

9 Q Did he take any positive part in the conference
10 in any way?

11 A No.

12 Q Were the regulations concerning the treat-
13 ment of prisoners of war distributed in the form of a
14 Vice-Minister's notification, by order of the War
15 Minister?

16 A Of course, yes.

17 Q Will you explain to the Tribunal what is the
18 character of the notification of that sort?

19 A It is a procedure followed in all Japanese
20 Government offices, and it is an order issued by the
21 War Minister. With the exception of regulations
22 stipulated in various laws, department ordinance, and
23 military orders, the War Minister issues all orders in
24 accordance with those stipulations, as done in all
25 other government departments, in accordance to

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1 regulations and ordinances and laws pertaining to them.
2 These notifications are known as: By order of the
3 War Minister. And it is a procedure followed in all
4 government offices in Japan. And the procedure in
5 all government offices, as in the War Ministry, is
6 for the Minister to countersign instructions and laws
7 and departmental regulations, and, in so far as the
8 War Ministry is concerned, military matters. Outside
9 of that, he does not send out any communications or
10 notifications. All daily routine business done in
11 the War Ministry is in the form of notification by the
12 Vice-Minister, by order of the War Minister.

13 Q What was the responsibility of the Vice-Minister
14 in connection with the note relating to the treatment
15 of prisoners of war?

16 A Merely to transmit the note.

17 Q It was not his decision, I take it, then,
18 as to how the prisoners of war were to be treated?

19 A He did not have such authority.

20 Q When TOJO was absent from the meetings that
21 you have been testifying about today, and absent from
22 his office as War Minister, was KIMURA War Minister
23 in his absence?

24 A Yes.

25 Q Upon the return of TOJO, what action would

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1 be taken?

2 A Report on all matters and receive the approval
3 of the Minister.

4 Q In the opening statement, one of the opening
5 statements, something was said about the treatment of
6 Allied fliers. That is not in evidence, but since
7 you might not be a witness again, I would like to ask
8 you at this time: How was it decided to treat the
9 Allied fliers who were captured in Japan or by Japanese
10 armies and who were suspects of being war criminals?

11 A My recollection is with respect to the fliers
12 who raided Japan on April 18, 1942, for the first time
13 and who were captured in China and sent to Japan; and
14 inasmuch as the treatment was given during the time of
15 hostilities, the matter was decided in the Imperial
16 Headquarters, by the Chief of the Army General Staff.

17 With respect to the decision then made, both
18 TOJO and KIMURA were strongly opposed as being too
19 severe, but the decision was carried out over their
20 opposition. In a word, it was decided in accordance
21 with the will of the Chief of the Army General Staff.

22 Q Now, getting back to this question of when
23 TOJO was absent from his office as War Minister,
24 after he became Premier, did he turn over any of his
25 authorities and responsibilities to KIMURA?

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1 A Yes, some very small matters relative to
2 business routines. But with respect to state affairs,
3 such as policy-making, politics, economics, diplomacy,
4 none at all.

5 Q Actually, then, TOJO was War Minister as
6 well as Premier?

7 A Yes.

8 Q And even while TOJO was out of his office
9 and KIMURA was acting as War Minister, he never made
10 any important decisions?

11 A He cannot make any important decisions.
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1 Q You named a list of men who were at the con-
2 ference concerning the treatment of prisoners of
3 war, and something was said about your not having
4 been indicted.

5 MR. JUSTICE MANSFIELD: I submit that that
6 question does not concern matters arising out of
7 examination in chief.

8 THE PRESIDENT: Unless I am mistaken he
9 did not complete his question. Will the reporter
10 please read the question?

11 ("Whereupon, the official court
12 reporter read as follows:

13 "Q You named a list of men who were at the con-
14 ference concerning the treatment of prisoners of war,
15 and something was said about your not having been
16 indicted.")

17 MR. HOWARD: I had not finished the question,
18 your Honor.

19 THE PRESIDENT: Well, finish it.

20 MR. HOWARD: The question is: Are there
21 not some other men living today who attended that
22 meeting and who have not been indicted?

23 MR. JUSTICE MANSFIELD: I object, if the
24 Court please. I submit that that is entirely ir-
25 relevant and does not arise out of the examination in

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chief.

1 THE PRESIDENT: How is it relevant, Mr.
2 Howard?

3 MR. HOWARD: It might not arise out of the
4 direct examination, but there has been cross-examina-
5 tion on it repeatedly and I thought we might get the
6 whole story while he was here.
7

8 THE PRESIDENT: He mentioned some men who
9 have not been indicted who were present.

10 MR. HOWARD: The Court will understand that
11 my purpose in asking him this question is to show
12 that it wasn't such an important meeting after all.

13 THE PRESIDENT: Its importance is not
14 judged in that way. If that is your only ground I
15 must allow the objection.

16 MR. HOWARD: Something else that was brought
17 out in the cross-examination that might be objec-
18 tionable, but I will never know till I try -- it
19 was said this morning, or in the cross-examination,
20 that you had a nickname.

21 THE PRESIDENT: He was asked whether the
22 Japanese public applied a certain epithet to him
23 and he said they did not, that some people did.
24 That leaves his character unimpaired. There was
25 some debate as to whether such a question should

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1 have been allowed. The majority decided to allow
2 it. My brother from New Zealand did not appear
3 to vote on the question. I may probably have taken
4 the vote too soon. I understand from him that he
5 opposed the question.

6 English law appears to be this, as I under-
7 stand it: Witness A can be asked whether Witness B
8 is a credible person, and Witness A can base his
9 opinion on the general reputation or the general
10 character of that person. If Witness A can give that
11 evidence it might appear reasonable that Witness B
12 could be cross-examined on his general character.
13 Whether Mr. Logan's question was directed to general
14 character is perhaps an open question. Now I am
15 stating the strict English view. This court is not
16 an English court and it is not bound by the English
17 rules of evidence. A majority of the court thought
18 the question should be allowed.

19 MR. HOWARD: Thank you for the information,
20 your Honor. Maybe --

21 THE PRESIDENT: We have heard enough about
22 that point, Mr. Howard.

23 MR. HOWARD: Well, I had not planned -- what
24 I wanted to do now was ask him if General KIMURA had
25 a nickname.

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1 THE PRESIDENT: No, you can't -- we can
2 not allow that question if we apply the English
3 rule. We are not bound by the rules of evidence.
4 I can see no basis at all for such a question.

5 MR. HOWARD: Your Honor, if I explain it
6 further maybe you will. I represent General KIMURA.

7 THE PRESIDENT: Well why, in his interest,
8 risk a possibly unfavorable reply from a witness for
9 the prosecution? If he says no, it doesn't help
10 you; if he says yes he had, it does you considerable
11 damage, perhaps.

12 MR. HOWARD: Your Honor, I think I am
13 capable of deciding whether to ask that question or
14 not, but it is a question for you to decide, I think
15 -- for the Tribunal to decide, whether it shall be
16 allowed.

17 THE PRESIDENT: The question is disallowed.

18 O General, --

19 THE PRESIDENT: Mr. Howard, I would like
20 Mr. Justice Mansfield to tell us whether that wit-
21 ness from the Foreign Office is going to give us the
22 further particulars that I referred to before lunch.

23 MR. JUSTICE MANSFIELD: We are endeavoring
24 to get the documents and we are in touch with the
25 witness SUZUKI, to see if he can get the information

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25 witness SUZUKI, to see if he can get the information

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1 for us.

2 THE PRESIDENT: We consider that evidence
3 most important.

4 We will adjourn until half past nine to-
5 morrow morning.

6 (Whereupon, at 1600, an adjourn-
7 ment was taken until Tuesday, 7 January
8 1947 at 0930.)
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